

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

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| IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION ----- ETHICON WAVE 6 CASES LISTED IN EXHIBIT A | Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE |
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**NOTICE OF ADOPTION OF PRIOR *DAUBERT* MOTION
CHALLENGING THE GENERAL-CAUSATION OPINIONS OF
DIONYSIOS K. VERONIKIS, M.D. FOR WAVE 6**

Defendants hereby adopt and incorporate by reference the *Daubert* motion filed against Dionysios K. Veronikis, M.D. for Ethicon Wave 3, Dkt. 2820 (motion) and Dkt. 2821 (memorandum in support). Defendants respectfully request that the Court exclude Dr. Veronikis's testimony for the reasons expressed in the Wave 3 briefing and, as to his alternative-procedures opinions, for the additional reason that this Court has subsequently found that an alternative surgical procedure is not an alternative design. *See Mullins v. Johnson & Johnson*, No. 2:12-cv-02952, 2017 WL 711766, at *2 (S.D.W. Va. Feb. 23, 2017); *see also In re: Ethicon, Inc. Pelvic Repair Sys. Prod. Liab. Litig.*, MDL No. 2327, 2017 WL 1264620, at *3 (S.D.W. Va. Mar. 29, 2017) ("I agree with Ethicon that alternative procedures/surgeries do not inform the issue of whether an alternative design for a product exists.").

This notice applies to the Wave 6 cases identified in Exhibit A attached here.¹

Respectfully submitted,

ETHICON, INC. and JOHNSON & JOHNSON

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¹ Except as to cases involving the TVT-O products in *Theresse Henry v. Ethicon, Inc.* and *Joyce Wright v. Ethicon, Inc.* noted on the attached Exhibit A because Dr. Veronikis does not offer general-causation opinions as to the TVT-O product.

CERTIFICATE OF SERVICE

I certify that on October 23, 2017, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

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